

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

APPRAISAL MANAGEMENT COMPANY III, LLC dba AMCO,) CASE NO. 1: 04 CV 1158
)
)
Plaintiff,) JUDGE DONALD C. NUGENT
)
v.)
)
FNC, INC.,) MEMORANDUM OPINION
) <u>AND ORDER</u>
Defendant.)

On February 27, 2006, this Court issued a Memorandum Opinion and Order (Docket #102), granting Defendant, FNC, Inc.'s, Motion for Award of Attorneys' Fees, Costs and Expenses (Docket #91) and denying Plaintiff, Appraisal Management Company III, LLC's ("AMCO") Motion to Defer Consideration (Docket #97). This Court found AMCO, and its in-house Counsel, Michael R. Houston, to be jointly responsible for the payment of attorneys' fees and costs. FNC, Inc. was required to submit an affidavit detailing attorney fees and costs incurred within 10 days and AMCO was afforded the opportunity to respond 10 days thereafter.

On March 13, 2006, although beyond the 10 days provided for by the Court, FNC, Inc. filed its Affidavit and Itemization of Attorneys' Fees and Costs (Docket #s 103 and 104). As of the date of this Order, although AMCO argued in its in its Brief in Opposition to FNC Inc.'s

Motion for Award of Attorneys' Fees, Costs and Expenses that FNC, Inc. did not establish that the fees requested were reasonable, AMCO has not filed any response to the Affidavit and Itemization of Attorneys' Fees and Costs submitted by FNC, Inc.

Conclusion

Based upon a thorough review of proceedings in this case, the briefs previously submitted by the Parties, and Orders of this Court, as well as the supporting documentation of fees and costs submitted by FNC, Inc., this Court finds FNC, Inc.'s request for attorneys' fees and costs in the amount of \$294,281.35, plus applicable interest, to be reasonable and appropriate. FNC, Inc. has clearly and succinctly explained to this Court the basis for the fees and costs requested, including attorneys' fees; copy, facsimile, postage, courier and phone charges; electronic research charges; subpoena service; travel charges; and, docket fees and Court costs. Therefore, Plaintiff, AMCO, and its in-house counsel, Michael R. Houston, are hereby ordered to pay attorneys' fees and costs to Defendant, FNC, Inc., in the amount of \$294,281.35, plus applicable interest.

IT IS SO ORDERED.

s/Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: March 31, 2006